



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE  
BOARD OF NURSING

IN THE MATTER OF THE  
LICENSE OF

KIMBERLEE BUCCELLATO, L.P.N.  
License # NP06730000

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about March 14, 2014, a letter of inquiry was sent to respondent at her address of record on behalf of the Board of Nursing. The letter was sent by certified and regular mail, asking about an arrest on March 4, 2014 on charges of hindering apprehension, and also asking respondent to provide documentation of all continuing education completed in the last three years.

3. The certified mailing of the inquiry was returned, unclaimed. The regular mailing was not returned. No response has been received to date.

4. Respondent indicated on her 2013 renewal application on June 4, 2013 that she completed all required continuing education for the 2011-2013 licensing cycle by May 31, 2013.

### CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's inquiry and/or to provide the Board with a valid mailing address constitutes a failure to cooperate with the Board's investigation in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

2. Respondent's failure to demonstrate timely completion of nursing continuing education requirements for the 2011-2013 licensing cycle constitutes a violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e ) and (h).

3. Respondent's indication on her 2013 renewal application that she had completed all required continuing education for the 2011-2013 licensing cycle by May 31, 2013, constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 30, 2014, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon the respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal

of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The record indicates that the certified mailing of the Provisional Order was delivered on January 5, 2015. The regular mailing of the order was not returned. No response has been received to date. The Board considered this matter, and determined that as the mailings had been sent to respondent's address of record with the Board, service had been effected. The Board further determined that as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 9<sup>th</sup> day of March, 2015,  
ORDERED that:

1. Respondent's nursing license is hereby suspended until she has fully responded to the Board's inquiry, and until she can demonstrate, by means of providing certificates of completion, that she has satisfied the requirement of 30 contact hours of nursing continuing education to be attributed to the 2011-2013 licensing cycle.
2. A reprimand is hereby imposed for respondent's violation of N.J.S.A. 45:1-21(b).
3. A \$500.00 civil penalty is hereby imposed for the violation of N.J.A.C. 13:45C-1.2, -1.3, as well as a \$250.00 civil penalty for the violation of N.J.A.C. 13:37-5.3, for a total penalty amount of \$750.00. Payment shall be in the form of a

certified check or money order, made payable to the State of New Jersey, which shall be due within 21 days following the filing of this order. Payment shall be sent to the attention of George Hebert, Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07101.

NEW JERSEY STATE BOARD OF NURSING

By:

  
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Patricia Ann Murphy, PhD, APM  
Board President